

# **EXHIBIT 2**

Alexander Saitov

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<p style="text-align: right;">Page 49</p> <p>1      between impairment, when driver is impaired by whatever      2      reason is, by fatigue or by dehydration, to the extent      3      that he is not able to control the vehicle and the      4      reason of that as mild dehydration. So I don't      5      understand what it means. Give me an objective      6      definition of -- definition of mild dehydration.</p> <p>7      <b>Q I can't -- I can't give you a medical      8      definition. But I am simply -- the purpose of my      9      questions today is just to find out if you are aware of      10     the concept, that dehydration leads to impairment, leads      11     to a driver not being his physical and mental best? Are      12     you aware of it or not?</b></p> <p>13     A    As I previously mentioned, I would agree that      14     extreme dehydration, to the extreme levels, to the      15     extreme levels, would lead to the impairment, which      16     would affect the ability to operate a commercial motor      17     vehicle.</p> <p>18     <b>Q All right. And do you agree that an extreme      19     level of dehydration would be a preventable circumstance      20     by the driver?</b></p> <p>21     A    I would agree.</p> <p>22     <b>Q If a person had dehydration to the extent that      23     they lost consciousness, you would agree that would be      24     preventable by the truck driver?</b></p> <p>25     A    I would agree.</p>	<p style="text-align: right;">Page 51</p> <p>1      <b>Q And you also would agree a driver is      2      responsible for keeping himself physically and mentally      3      alert while driving; agree?</b></p> <p>4      A    Can you repeat it again?</p> <p>5      <b>Q Sure. A driver is responsible for keeping      6      himself physically and mentally alert while driving?</b></p> <p>7      A    Absolutely.</p> <p>8      <b>Q All right. A driver is responsible for      9      ensuring that he or she is properly hydrated at all      10     times to avoid any negative effects of dehydration;      11     agree?</b></p> <p>12     A    Can you repeat again?</p> <p>13     <b>Q Sure. A driver is responsible for ensuring      14     that he or she is properly hydrated at all times to      15     avoid any negative health consequences of the      16     dehydration, that might impair the ability to drive?</b></p> <p>17     A    Agree.</p> <p>18     <b>Q And, of course, a driver is responsible for      19     being aware of the signs of fatigue or dizziness or      20     weakness or any other symptom that could impair one's      21     ability to operate a 55,000-pound motor vehicle at      22     seventy-five miles per hour safely; agree?</b></p> <p>23     A    Agree.</p> <p>24     <b>Q And in this context, I want you to assume that      25     Mr. Milanovic was dehydrated and that's why, as you say,</b></p>
<p style="text-align: right;">Page 50</p> <p>1      <b>Q All right. So does HL provide any new hire,      2      long-haul, truck drivers any training regarding proper      3      hydration?</b></p> <p>4      A    That is not part of our training program.</p> <p>5      <b>Q Does HL have any policies in place to prevent      6      incidents of driver dehydration?</b></p> <p>7      A    It's not of our policies.</p> <p>8      <b>Q So, then, is it HL's position that proper      9      hydration for its drivers is solely the responsibility      10     of the truck driver?</b></p> <p>11     A    It is obviously a responsibility of the truck      12     driver. But, again, what HL does, it enforces hours of      13     service policy, requiring drivers to take rest breaks,      14     specifically for their needs of drinking water, eating      15     properly, and other issues relating to their health and      16     well-being.</p> <p>17     <b>Q All right. So as long as the driver stops at      18     least once every eight hours, then the responsibility to      19     stay hydrated rests solely with the driver?</b></p> <p>20     A    Responsibility stays, yes, with the truck      21     driver, yes.</p> <p>22     <b>Q And I think you have already said this, but      23     just to be clear, do you agree that dehydration is      24     100 percent avoidable?</b></p> <p>25     A    Dehydration is 100 percent avoidable, yes.</p>	<p style="text-align: right;">Page 52</p> <p>1      <b>he lost consciousness. All right?</b></p> <p>2      A    Not all right.</p> <p>3      <b>Q Say again?</b></p> <p>4      A    Not all right. You want me to assume. I      5      don't assume.</p> <p>6      <b>Q Well, you do assume, and you've testified      7      previously to Mr. Pignato, you do assume that your      8      driver lost consciousness before he left the roadway;      9      correct?</b></p> <p>10     A    Correct.</p> <p>11     <b>Q All right. So I want you to assume for the      12     moment that your defense in this case, whether you know      13     it or not, is that your driver was dehydrated and that's      14     why he lost consciousness. Okay? Will you make that      15     assumption with me for purposes of these questions?</b></p> <p>16     A    So you just want me to hypothetically assume?</p> <p>17     <b>Q I want you to assume my hypothetical, which      18     is, your driver lost consciousness because he was      19     dehydrated, yes. Will you assume that for purposes of      20     my question?</b></p> <p>21     A    For the purposes of -- just for the sake of      22     the question, I can hypothetically assume it.</p> <p>23     <b>Q So you would agree, if those were the facts,      24     that would be a self-induced condition, that is,      25     dehydration?</b></p>

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<p>1       A That would be self-induced, sorry, what?</p> <p>2       <b>Q The condition, the medical condition here, of</b></p> <p>3       <b>dehydration, would be self-induced; agree?</b></p> <p>4       A Medical condition. So dehydration as a</p> <p>5       medical condition will be self-induced by the driver;</p> <p>6       right?</p> <p>7       <b>Q That's my question to you. If the driver</b></p> <p>8       <b>becomes dehydrated and that's the reason he lost</b></p> <p>9       <b>consciousness, that is a self-induced medical condition;</b></p> <p>10      <b>agree?</b></p> <p>11      A Agree.</p> <p>12      <b>Q Entirely preventable by the driver?</b></p> <p>13      A Absolutely preventable.</p> <p>14      <b>Q All right. Now, I want you to also assume</b></p> <p>15      <b>that the driver, your driver, has testified in this case</b></p> <p>16      <b>that one of the problems he was having while driving on</b></p> <p>17      <b>this hot, summer day through Missouri and Oklahoma in</b></p> <p>18      <b>ninety plus degree temperatures is that the</b></p> <p>19      <b>air-conditioning unit of his truck was not functioning</b></p> <p>20      <b>properly. Okay? Will you make that assumption with me?</b></p> <p>21      A Okay. Let's make an assumption.</p> <p>22      <b>Q Okay. You agree with me, that would also be a</b></p> <p>23      <b>preventable factor; right, sir?</b></p> <p>24      A In terms of repair of conditioner, yes.</p> <p>25      <b>Q So if a driver is feeling fatigued or dizzy</b></p>	<p>1       <b>safely, you would expect him to pull over as soon as it</b></p> <p>2       <b>was safe to do so?</b></p> <p>3       A Absolutely.</p> <p>4       <b>Q If a driver fails to do that, puts himself in</b></p> <p>5       <b>a state of dehydration by not consuming sufficient</b></p> <p>6       <b>fluids, not getting enough minerals, maybe operating a</b></p> <p>7       <b>truck that's too hot, and succumbs to this condition and</b></p> <p>8       <b>a collision results, you would agree that collision is</b></p> <p>9       <b>entirely that driver's fault?</b></p> <p>10      A I wouldn't.</p> <p>11      <b>Q You wouldn't agree with that?</b></p> <p>12      A I wouldn't agree with it.</p> <p>13      <b>Q So what part of it do you disagree with?</b></p> <p>14      A Not necessarily dehydration would play such a</p> <p>15      role, that it would affect his ability to operate the</p> <p>16      motor vehicle to such extent that he wouldn't be able to</p> <p>17      operate safely.</p> <p>18      <b>Q So you are saying you don't -- you don't know</b></p> <p>19      <b>if that occurred here?</b></p> <p>20      A As I previously said, your assumption implies</p> <p>21      that any sign, any sign. I, again, am pretty sure that</p> <p>22      only extreme level dehydration would lead to the</p> <p>23      condition where he is not able to operate the vehicle</p> <p>24      safely.</p> <p>25      <b>Q Let's see if you and I can agree on something.</b></p>
<p style="text-align: center;">Page 54</p> <p>1       <b>due to dehydration, brought about by the absence of</b></p> <p>2       <b>fluids and/or the rising temperatures in his truck,</b></p> <p>3       <b>those are preventable factors; correct?</b></p> <p>4       A Correct.</p> <p>5       <b>Q All right. A driver is responsible for</b></p> <p>6       <b>pulling over immediately on any signs or symptoms of</b></p> <p>7       <b>dehydration or other health factors that influence his</b></p> <p>8       <b>ability to drive the truck safely; right?</b></p> <p>9       A No.</p> <p>10      <b>Q He is not responsible for pulling over</b></p> <p>11      <b>immediately among signs or symptoms that he can't</b></p> <p>12      <b>properly operate the truck?</b></p> <p>13      A Not necessarily immediately.</p> <p>14      <b>Q Well, as soon as he can do so safely.</b></p> <p>15      A As soon as he can do it safely.</p> <p>16      <b>Q All right. You wouldn't want him slamming on</b></p> <p>17      <b>the brakes in the middle of the highway; right?</b></p> <p>18      A Right.</p> <p>19      <b>Q If he couldn't get adequately off the roadway,</b></p> <p>20      <b>and therefore became a hazard on the side of the road,</b></p> <p>21      <b>you wouldn't want that; right?</b></p> <p>22      A Right.</p> <p>23      <b>Q But as soon as a truck driver could get to an</b></p> <p>24      <b>exit, if he's having signs or symptoms of heat or other</b></p> <p>25      <b>health issues that prevent him from operating the truck</b></p>	<p style="text-align: center;">Page 56</p> <p>1       <b>Does it seem plausible or implausible to you that a</b></p> <p>2       <b>person would drive a good part of a hot August day in</b></p> <p>3       <b>Missouri and Oklahoma, while suffering from such severe</b></p> <p>4       <b>dehydration, that he loses consciousness and runs off</b></p> <p>5       <b>the road, yet, he wouldn't have any symptoms at all</b></p> <p>6       <b>before the moment he lost consciousness? Does that seem</b></p> <p>7       <b>plausible or implausible?</b></p> <p>8       A You know, speaking about some hypothetical --</p> <p>9       <b>Q Plausible or implausible, sir?</b></p> <p>10      A Can I please answer your question?</p> <p>11      <b>Q You can answer the question, then you can</b></p> <p>12      <b>elaborate all you would like. Does that seem plausible</b></p> <p>13      <b>or implausible?</b></p> <p>14      A Sir, would you allow me to answer the</p> <p>15      question? I will answer the question.</p> <p>16      <b>Q I would ask that you do so. Is it plausible</b></p> <p>17      <b>or implausible? Then you can explain your answer.</b></p> <p>18      A My explanation is that, specifically in case</p> <p>19      of Ognjen Milanovic, looking at his logbook, took a</p> <p>20      restroom break three hours before the accident, it's</p> <p>21      not -- it's not possible in his situation, because he</p> <p>22      had three hours before that took a rest break of</p> <p>23      forty-five minutes, as I see on his logbook.</p> <p>24      And for me, three hours of driving is not</p> <p>25      enough to get to such a level of dehydration, that he</p>

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<p>1 would be able to lose control, lose consciousness, lose 2 control of his vehicle.</p> <p>3        Maybe in some other case it's plausible, with 4 some other guy, who probably, possibly drove without the 5 rest break, not three hours, but let's say, I don't 6 know, fifteen hours.</p> <p>7        But in his case, in his specific case, where 8 we know exactly that he took a break three hours before 9 the accident, that is not plaus -- it's not possible.</p> <p>10      <b>Q All right. I think we might be saying the 11 same thing, but let me try to make sure about that 12 before I move on. You are saying, that because this man 13 took a 45-minute break just three hours earlier, you 14 believe it is not plausible that he succumbed to 15 dehydration in an instant and lost consciousness and ran 16 off the road without experiencing any other symptoms 17 first? Do you agree with that?</b></p> <p>18      A Sir, I -- again, I am not medical 19 professional.</p> <p>20      <b>Q I accept that. I am asking for --</b></p> <p>21      A I don't know whether it happens in an instant. 22 I have no idea how it happens. Maybe it takes a few 23 minutes. I don't know. So if you could rephrase your 24 question, then I would be able to properly answer it.</p> <p>25      <b>Q I am not sure I can. You are relying on the</b></p>	<p>1        <b>your experience in life and as the safety manager for 2 this company, that it's possible for a person to succumb 3 to dehydration at such a fast rate, that the very first 4 sign of a problem was the loss of consciousness?</b></p> <p>5        A Sir, for all of my experience, and I think 6 I've had a relatively large experience with a large 7 number of accidents, I never, ever observed weakness 8 that dehydration played any such role.</p> <p>9        <b>Q In causing a driver to lose consciousness and 10 have a collision?</b></p> <p>11      A Yes.</p> <p>12      <b>Q All right. And you make a good point. I 13 mean, you've probably investigated hundreds of 14 accidents, a thousand or more?</b></p> <p>15      A I don't know the exact number. But from my 16 experience, I knew cases where drivers were able to 17 travel with not working AC and they were able to travel 18 large distances. And it didn't lead to the loss of -- 19 their ability to operate commercial vehicle was not 20 impaired to such -- to such a level, where they lost 21 consciousness and lost control of their vehicle.</p> <p>22      <b>Q Well, you make me pause and ask this, then. 23 You are telling me that you have seen situations where 24 drivers operate on hot days with not fully functioning 25 air-conditioning units.</b></p>
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<p>1        <b>fact that this gentleman took a three-hour break -- I'm 2 sorry, a 45-minute break three hours before; right?</b></p> <p>3      A Yes. He took a rest, yeah.</p> <p>4      <b>Q And because of that, you do not believe that 5 he succumbed to dehydration, to the extent that he lost 6 consciousness and ran off the roadway; right?</b></p> <p>7      A I don't believe that he succumbed to, 8 specifically to the reason of dehydration.</p> <p>9      <b>Q Okay.</b></p> <p>10     A Because of dehydration.</p> <p>11     <b>Q You believe that makes no practical sense to 12 you?</b></p> <p>13     A Correct.</p> <p>14     <b>Q As the safety manager and/or vice-president of 15 safety for this company for some eight plus years; 16 right?</b></p> <p>17     A I think practically he took a rest break of 18 forty-five minutes, which is more than enough for him to 19 drink water, eat properly. And I don't believe that he 20 taking rest -- that rest break, wouldn't be able to do 21 it.</p> <p>22     <b>Q Would common sense, and I know you are not a 23 medical doctor, but would common sense, if dehydration 24 was the medical condition that caused him to lose 25 consciousness, if that's true, okay, do you believe, in</b></p>	<p>1        A Yeah.</p> <p>2      <b>Q And, yet, that didn't lead to, wasn't a 3 contributing cause, to the collision, is that what you 4 are telling us?</b></p> <p>5      A Yes.</p> <p>6      <b>Q All right. Then how is it that you, as the 7 safety manager or vice-president of safety, are aware of 8 the fact, that after a collision, there was a 9 nonfunctioning air-conditioning unit?</b></p> <p>10     A You mentioned the fact that the air 11 conditioner was not working.</p> <p>12     <b>Q Okay.</b></p> <p>13     A I am not aware of it.</p> <p>14     <b>Q You are not aware of any problems with the AC 15 units in the trucks --</b></p> <p>16     A No.</p> <p>17     <b>Q -- that you all put out on the roadway?</b></p> <p>18     A No.</p> <p>19     <b>Q Do you agree, as a responsible motor carrier, 20 HL is certainly aware of the critical need for properly 21 functioning air-conditioning units in its trucks; 22 correct?</b></p> <p>23     A Absolutely correct.</p> <p>24     <b>Q All right. And you, of course, are aware that 25 a poorly performing AC unit, particularly in the hot</b></p>

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<p>1      summer months, particularly in the south, can contribute      2      to drivers overheating, becoming dehydrated, fatigued,      3      et cetera; correct?</p> <p>4      A    Correct.</p> <p>5      Q    All right. So is HL responsible for ensuring      6      that the AC units in its big rigs are functioning      7      properly?</p> <p>8      A    Correct.</p> <p>9      Q    And at the same time is the driver responsible      10     for reporting any problems with the AC unit in the truck      11     he or she is driving?</p> <p>12     A    Absolutely correct.</p> <p>13     Q    All right. Is it -- is it acceptable to HL,      14     that a driver from northern climates, on his very first      15     trip for HL into the south in the hot summer months,      16     drove ten plus hours on a ninety plus degree day with a      17     poorly performing air-conditioning unit in his truck and      18     did not report that to the company?</p> <p>19     A    Yeah. That's -- that's not acceptable. A      20     driver always -- any driver is supposed to report      21     anything to the company right away.</p> <p>22     Q    And you have investigated this accident      23     thoroughly. Have you come across any evidence at all      24     that your driver, Mr. Milanovic, reported to the company      25     before, during, or after his trip, that the</p>	<p>1      you would agree with me that both of those things are      2      entirely preventable by the company and/or the driver?</p> <p>3      A    Again, given all -- if -- if the loss of      4      consciousness is caused by dehydration, then, yes.</p> <p>5      Q    All right. Can you show us -- it's going to      6      be difficult, I don't know if you have the wherewithal      7      or not to share your screen. It sounds like you have      8      paper documents there.</p> <p>9      Can you show us, if you have to hold it up to      10     your camera, that's fine. But I want to see breaks that      11     this gentleman took in the five hours before his      12     collision.</p> <p>13     All right. Now, I have seen that document in      14     a colored form. Down at the bottom of that page, sir,      15     is there a Bates stamp, a control number in the bottom      16     right corner?</p> <p>17     A    It says Report Time, there is a time stamp      18     here.</p> <p>19     Q    I am looking in the bottom right corner. Is      20     there a control number there?</p> <p>21     A    Bottom right corner, it's a page, it's not a      22     control number.</p> <p>23     Q    Okay. But the date of that log is the date of      24     the accident?</p> <p>25     A    The date is August 8th.</p>
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<p>1      air-conditioning unit was performing poorly?</p> <p>2      A    He had never reported any of that.</p> <p>3      Q    Okay. Would it be acceptable, if that same      4      driver in those same circumstances, driving ten plus      5      hours in the heat, becomes dehydrated, loses      6      consciousness, and drives off the road into family      7      residences, is that acceptable to HL?</p> <p>8      A    Absolutely not acceptable.</p> <p>9      Q    All right.</p> <p>10     A    I'm sorry, my camera.</p> <p>11     Q    And do you agree, if those are the facts, the      12     accident I just described, you would agree with me that      13     accident would be entirely preventable?</p> <p>14     A    Would I agree, this vehicle accident would be      15     preventable?</p> <p>16     Q    Yes. If the facts are as I laid out to you.      17     And I am really focusing on two facts. You have got a      18     poorly performing air-conditioning unit and a driver who      19     becomes dehydrated to the point of losing consciousness.      20     Those two factors are both entirely preventable, aren't      21     they, sir?</p> <p>22     A    So he -- if, again, we assume that he got      23     dehydrated to the point of losing consciousness, if.</p> <p>24     Q    Yes. And, in part, his dehydration was      25     brought about by a poorly functioning air conditioner,</p>	<p>1      Q    Okay. Can you take us through -- let's work      2      our way backwards. When was the last time that truck --      3      as I understand it, the logs -- you can put the exhibit      4      down now. As I understand it, the logbooks are largely      5      electronic; agreed?</p> <p>6      A    They are all electronic.</p> <p>7      Q    And as Mr. Milanovic explained in his      8      deposition, a truck rolling down the road, it being in      9      motion, results in what entry on the log? What's the      10     magic language on the log that tells you that the truck      11     is in motion?</p> <p>12     A    Driving time.</p> <p>13     Q    Driving time, okay. And if the truck is not      14     in motion for how many minutes before it changes to      15     another term?</p> <p>16     A    It's a new vers -- it's a new model. So it's      17     not even in minutes, it's literally -- maybe not in a      18     second, but within one minute.</p> <p>19     Q    Within one minute, okay. For purposes of our      20     analysis here, we will just say within one minute.      21     Okay? So when is the last time before this collision      22     this truck was not in motion or under the category      23     driving time?</p> <p>24     A    Okay. Just a second.</p> <p>25     Q    I am looking for two things, when and where.</p>

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